Donald M. Miller, et ux Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 17'5" in lieu of the required 25' for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Donald Miller, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 7705 East Baltimore Street, consists of 1,616 sq.ft. more or less zoned D.R. 10.5 and is improved with a single family attached dwelling. Petitioners propose to construct an addition to the rear of the subject dwelling to provide a bedroom and bath on the first floor off of the existing kitchen. Testimony indicated that Mr. Miller's wife suffered a stroke in October 1987 and has difficulty negotiating stairs, thereby necessitating a first floor bedroom and bath for her safety and convenience. In support of Petitioner's position, Mr. Miller submitted a letter from his wife's attending physician. Testimory indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Peti-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of May, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 17'5" in lieu of the required 25' for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> 1. Robert Haines Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

May 9, 1990

Mr. & Mrs. Donald M. Miller 7705 E. Baltimore Street Baltimore, Maryland 21224

RE: PETITION FOR ZONING VARIANCE S/S of E. Baltimore Street, 58.9' E of 51st Street (7705 E. Baltimore Street) 15th Election District - 7th Councilmanic District Donald M. Miller, et ux - Petitioners Case No. 90-432-A

Dear Mr. & Mrs. Miller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Robort Lecines J. ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

cc: People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4pil 9 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12 5, 19 90

THE JEFFERSONIAN.

The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations, of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesepesie Avenue in Towson, Maryland 21204 as follows: Petition for Zoning Variance Vertence: to permit a rear yard setback of 17 feet, 5 inches in lieu of the required 25 feet. In the event that this Patition is any request for a stay of the tejuance of said permit during this period for good cause shown.
Such request must be in writing and received in this office by the date of the hearing seat above or J. ROBERT HAINES Zoning Commissioner of Battimore County

5/02/90

Baltimore County County Office Building 111 West Chesapeake Avenu Towson, Maryland 21204

B B 034****350018 3068F

Please make checks payable to: Baltimore County

Cashler Validations

ZONING DEPARTMENT OF BALTIMORE COUNTY 10-432- A

Posted for: 15 th	Date of Posting 4/13/90
Posted for:	
Down Donald M. Miller, of	OV.
Location of property: 3/5 F. Bollo. 5/.	59.9 F. 5/3/3/
75- F 3-11 X	
Location of Signe: Facing E. Bolh ST	220xx 15 FT. 100 dway
Location of Signer Facing E. Bolh ST, On fre for ly of Polition	
Remarks:	
Posted bySignature	Date of return: 1/13/90
Number of Signs:	

HOTICE OF MEARING

M9000765

PUBLIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 X TOTAL: \$113.69 LAST NAME OF OWNER: MILLER

B 097++++11359:a 2022F

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-432-A Variance from Section VI: A. 4. (1945-53 Regulations) To parmit a year yard set-back of 17'5" in lieu of the required 25;

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1- My wife had a stroke in October 1987 and has difficulty in negotiating stairs. She never regained strongth in her arms and legs. Her condition is getting progressively worse.

2- Provides for a year entrance separate from the bedroom.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition Contract Purchaser: Legal Owner(s): Denald M. Miller (Type or Print Name) City and State Attorney for Petitioner 7705 G. Beltonere St. 285-5670 Reltimore, Md 21224 tract purchaser or representative to be contacted City and State ORDERED By The Zoning Commissioner of Baltimore County, this out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Donald M. Miller 7705 E. Baltimore Street Baltimore, Maryland 21224

Petition for Zoning Variance CASE NUMBER: 90-432-A S/S of E. Baltimore Street, 58.9' E of 51st Street

7705 E. Baltimore Street 15th Election District - 7th Councilmanic Petitioner(s): Donald M. Miller, et ux HEARING: WEDNESDAY, MAY 2, 1990 at 2:00 p.m.

Dear Mr. & Mrs. Miller:

Please be advised that $\frac{1/3.69}{}$ is due for advertising and posting of the above captioned property.

DATE

APR 1 8 1990

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POSY SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Donald M. & Ethel L. Miller 7705 East Baltimore Street, Baltimore, MD 21223 285-5670

District 15 Property No. 15-13-5550630 Property size: 16' x 101.65 = 1626.4 sq. ft.

Plat 1 Book 17 Folio 056

ZONING DESCRIPTION

Beginning on the South side of Baltimore Street (Plat G.L.B. 17, folio 56), 60 ft wide, at the distance of 58.90 feet easterly measured along said South side from the point formed by the intersection of the East side of 51st Street (60 feet wide) and the South side of said Baltimore Street, thence binding on the South side of Baltimore Street 16.0 feet East, thence south 101.65 feet to the North side of a 16 foot alley, thence binding on the North side of said alley 16.0 feet West, thence North 101.64 feet to the place of beginning.

Located in the subdivision of Northbrook as recorded in Plat 1, Book 17, folio 056, containing 1626.4 total square feet (.037 acre). Also known as 7705 East Baltimore Street (Deed Liber 2145, Page 154), and located in the 15th Election Pistrict.

Dennis F. Rasmussen
County Executive

CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

442 Eastern Blvd. April 5, Balto., Md. 21221

THIS IS TO CERTIFY, that the annexed advertisement of

Donald M Miller in the matter of Petition for Zoning Variance of 58.9'E of 51st Street. Case #90-432-A. P.O. # 0103673, Req.# M42907 87.5 lines @ .55 or \$48.12

was inserted in The Avenue News a weekly newspaper

successive week(s) before the 6 day of April 19 90;

that is to say, the same was inserted in the issues of _Anril_5_1900_.

The Avenue Inc.

Baitimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 (301) 887-3353

J. Robert Haines
Zoning Commissioner

NOTICE_OF HEARING

March 23, 1990



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 90-432-A S/S of E. Baltimore Street, 58.9' E of 51st Street 7705 E. Baltimore Street 15th Election District - 7th Councilmanic Petitioner(s): Donald M. Miller, et ux HEARING: WEDNESDAY, MAY 2, 1990 at 2:00 p.m.

Variance: To permit a rear yard setback of 17 feet, 5 inches in lieu of the required 25 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

L. Robert Haines

J. ROBERT HAINES

cc: Mr. & Mrs. Miller

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Arpil 23, 1990

Petition for Zoning Variance

Mr. & Mrs. Donald M. Miller 7705 E. Baltimore Street Baltimore, MD 21224

Dennis F. Rasmussen
County Executive

RE: Item No. 296, Case No. 90-432-A Petitioner: Donald M. Miller, et ux

Dear Mr. & Mrs. Miller:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner



Your petition has been received and accepted for filing this 28th day of March, 1990.

Petitioner: Donald M. Miller Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Zoning Commissioner

J. Robert Haines

DATE: March 15, 1990

Notice Of Hearing

The Zoning Commissioner of Balti-more County, by authority of the Zoning Act and Regulations of Bal-timore County will hold a public

hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Petrion for

Case Number:90-432-A

S/S of E. Baltimore Street.

6 58.9' E of 51st Street 6 7705 E. Baltimore Street.

, 15th Election District - ...

Petitioner(s): Donald M.

Miller, et ux 😝 💠

Hearing Date:

Wednesday, May 2, 1990

" at 2:00 p.m. ""

fariance: To permit a rear yard

the required 25 feet.

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain

any request for a stay of the issuance of said permit during this pe-

riod for good cause shown. Such

request must be in writing and re

hearing set above or presented a

seived in this office by the date of the

J. ROBERT HAINES

Baltimore County

Zoning Commissioner of

Zoning Variance

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Donald M. Miller, Item No. 295

Peggy Davison, Item No. 295

Emma Lou Tannenbaum, Item No. 305

Melvin Lee Bixler, Item No. 306

William L. Goodman, Item No. 266

Mark Allen Bowling, Item No. 263

Frederick P. Gick, III, Item No. 262

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

March 23, 1990



Dennis F. Rasmussen County Executive

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 293, 294, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, and 306.

Very truly yours, Michael S. Flanigan Traffic Engineer Assoc. II

MSF/lvw

MAR SV 1900 ZOMMA OFFICE

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke Chief

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner:

DONALD M. MILLER

Location:

#7705 EAST BALTIMORE STREET

March 21, 1990

Item No.:

Zoning Agenda: MARCH 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 3, 1990 Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for March 27, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 295, [296] 298, 299, 301, 303, 304, 305 and 306.

. For Item 293, a County Review Group Meeting may be required.

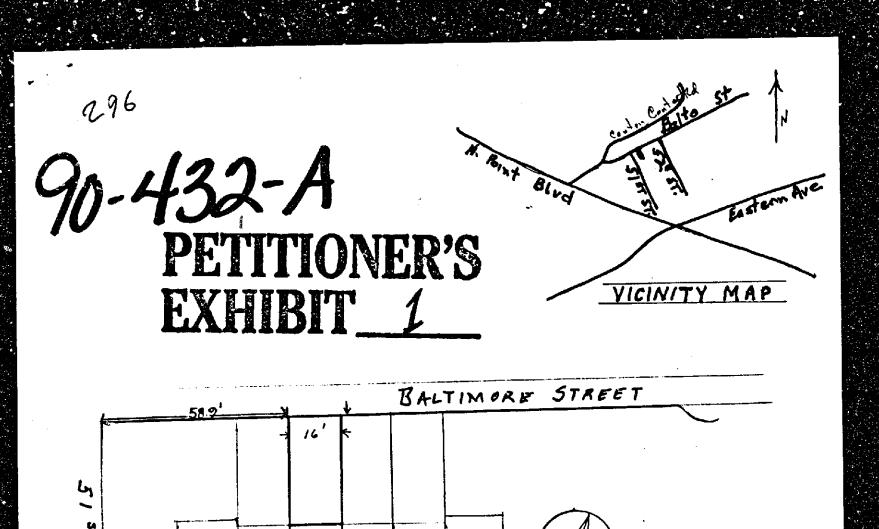
For Item 294, the previous County Review Group comments apply and a Public Works Agreement may be required.

For Item 297, a County Review Group Meeting and Public Works Agreement may be required.

For Item 302, the previous County Review Group comments apply.

> Robert J. Bowling ROBERT W. BOWLING, P. Chief Developers Engineer ing Division

RWB:s



* ALLEY 16 WIDE.

SCALE /"=30'

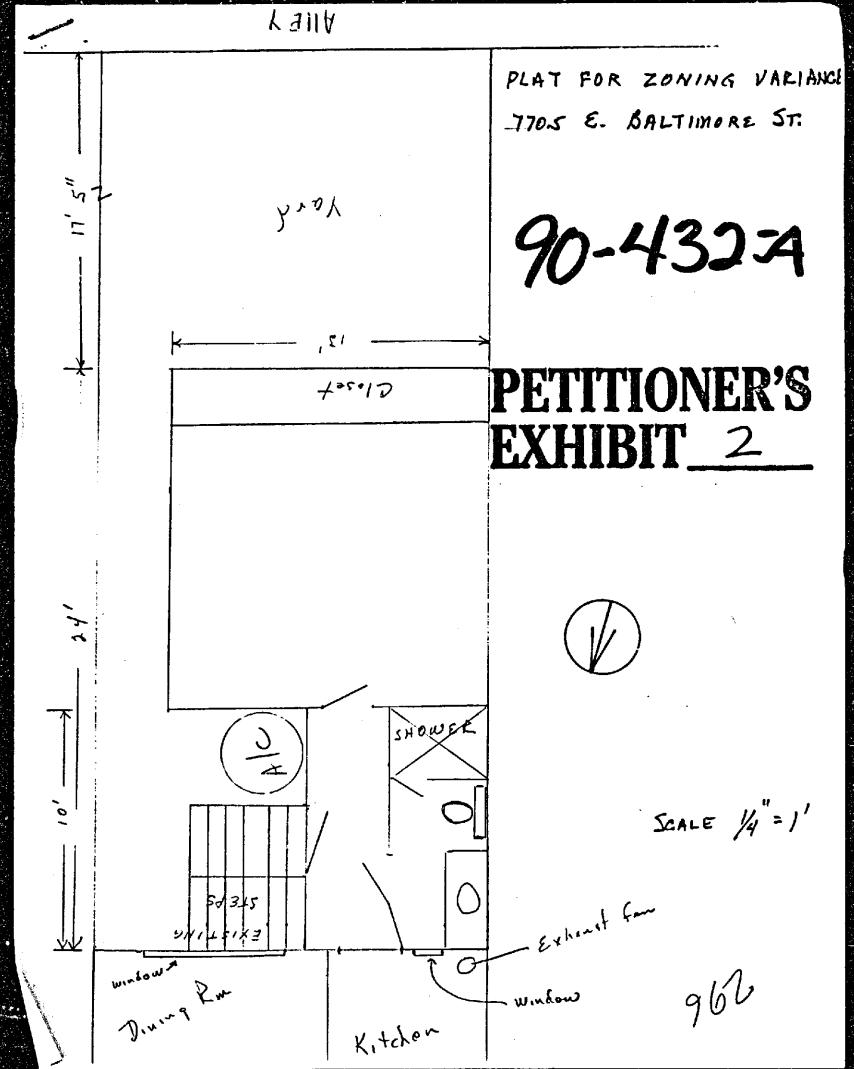
1616 Sq'

Proposed addition
13'x 24' x 12 high

Plat for Zoning Variance OWNER - DONALD & Ethel MILLER DISTRICT - 15 DR. 10,5 SUBDIVISION - NORTHBROOK PLAT 1 , BOOK 17 , FOLIO 056_ PUBLIC UTILITIES IN ROADTALLEY

7701 707 707 707 7711

Kany 7705 E. BALTIMORE ST. Yark 90-43274 PETITIONER'S 425.10 EXHIBIT_2 SCALE 1/4"=1" Kitchen



SAINT JOSEPH HOSPITAL FAMILY MEDICINE OFFICE MEDICAL RECORD

J. G. Orth, M.D. Phone: 337-1766

April 3, 1990

Ethel L. Miller

DOB: 2/15/25

TO WHOM THIS MAY CONCERN:

The above named patient is under my care for management of Diabetes, Hyperlipidemia, and residual neurological deficits following a cerebral vascular occurence. She is not able to ambulate well at all due to her neurological sequellae and leg edema, remaining quite sedentary. Her present medical status is stable, but not likely to significantly change.

JGO/jsr

PETITIONER'S EXHIBIT 3

90-432A

